

Water Legislation Amendment Bill 2022

Explanatory Notes

FOR

Amendments during consideration in detail to be moved by the Honourable Glenn Butcher MP

Title of the Bill

The short title of the Bill is the Water Legislation Amendment Bill 2022 (the Bill).

Objectives of the Amendments

The objectives of the amendments are to provide additional clarity about the Bill's proposed changes to the process for deciding an application for a water licence dealing. The amendments clarify when public notification is, and is not, required. The changes also avoid additional unintended administrative burden, while maintaining appropriate consideration of other interests.

These changes are consistent with the overarching policy intent of the Bill.

Achievement of the Objectives

The following amendments achieve the objectives. Amendment to section 130(3) to:

1. Clarify that the chief executive must publish a notice of an application for a dealing with a water licence if the dealing will, or is likely to, have one or more of the following effects:
 - a. increase the amount of water that may be taken under the licence;
 - b. increase the rate at which water may be taken under the licence;
 - c. change the location of taking or interference with water under the licence;
 - d. increase or change the interference with water under the licence.
2. Clarify the circumstances where the chief executive is not required to publish a notice. This has the effect that an application for a renewal or reinstatement of a water licence is not automatically required to be publicly notified.
3. Remove duplicative considerations for when public notification is, and is not, required.

Alternative Ways of Achieving Policy Objectives

There are no alternative means of achieving the policy objective.

Estimated Cost for Government Implementation

The estimated administrative cost to government of implementing the proposed amendments is nil.

Consistency with Fundamental Legislative Principles

The *Legislative Standards Act 1992* requires an assessment of the consistency of the Bill with fundamental legislative principles (FLPs) and, if there are inconsistencies with FLPs, the reasons for the inconsistency. The amendments are consistent with FLPs.

Consultation

The issue of water licence dealings was raised by stakeholders through written submissions to the State Development and Regional Industries Committee (the committee) on the inquiry into the Bill. Submitters raised concerns about regulatory burden associated with the renewal of a water licence. Separate to this, submitters also advocated for mandatory public notification of an application for a dealing that will, or is likely to, result in a growth in take or interference or a change in location.

NOTES ON PROVISIONS

Clause 1 amends *Clause 17* of the Bill to clarify the application of proposed new section 130(3). The amendment clarifies that subsection (3) does not apply to a water licence dealing application that must be assessed as an application for a new licence because of the effect of subsection (1)(a). This provides a more direct requirement for public notification where the dealing will, or is likely to, impact other water users or the natural environment. The amendment also has the effect that subsection (3) applies to an application for a dealing with a water licence that is a renewal or reinstatement of a licence.